

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

UNITED STATES OF AMERICA	)	
v.	)	Criminal Case No.:
LARRY BARNES, JR.	)	3:20 CR 2

July 9, 2020

COMPLETE TRANSCRIPT OF PLEA HEARING  
BEFORE THE HONORABLE HENRY E. HUDSON  
UNITED STATES DISTRICT COURT JUDGE

APPEARANCES:

Stephen E. Anthony, Esquire  
OFFICE OF THE UNITED STATES ATTORNEY  
919 East Main Street  
Suite 1900  
Richmond, Virginia 23219

Counsel on behalf of the United States

John B. Mann, Esquire  
JOHN B. MANN PC  
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Counsel on behalf of the Defendant

TRACY J. STROH, RPR  
OFFICIAL COURT REPORTER  
UNITED STATES DISTRICT COURT

1 (The proceeding commenced at 10:16 a.m.)

2 THE COURT: Good morning.

3 MR. ANTHONY: Good morning.

4 MR. MANN: Good morning, Your Honor.

5 THE COURT: Before the Court this morning is a  
6 plea agreement in this case. I understand that he will  
7 enter a plea of guilty to Counts Two and Three of the  
8 superseding indictment and the United States will dismiss  
9 Count One.

10 Mr. Anthony, let me ask you to put the remainder  
11 of the plea agreement on the record for me, please, sir.

12 MR. ANTHONY: Yes, sir. Judge, as you've  
13 stated, Mr. Barnes is going to plead guilty to Counts Two  
14 and Three of the indictment. We have had -- I put into  
15 the plea agreement a joint recommendation as to the  
16 sentence on Counts Two and Three, which will be  
17 collectively 15 years.

18 THE COURT: Fifteen years on each to run  
19 concurrently; is that correct, Mr. Anthony?

20 MR. ANTHONY: Concurrently, but not on each,  
21 Judge. It would be 15 years on Count Two, 10 years on  
22 Count Three, and they would run concurrently --

23 THE COURT: Yes, sir.

24 MR. ANTHONY: -- for a total of 15 years.

25 THE COURT: All right.

1 MR. ANTHONY: Then there is also a waiver of  
2 appeal and other standard conditions in the plea  
3 agreement. And we also have a statement of facts and  
4 exhibit to the plea agreement and a consent order of  
5 forfeiture that's been entered by all parties.

6 THE COURT: All right. I understand you've also  
7 filed an amended information establishing a prior  
8 conviction, which is a prerequisite to the elevated  
9 mandatory minimum; is that correct?

10 MR. ANTHONY: That's correct, Judge. And the  
11 amendment simply changed the statute referencing the  
12 definition of serious drug felony to the correct statute  
13 from what was in the original information.

14 THE COURT: And you have agreed that he's  
15 entitled to an additional third level decrease for  
16 acceptance of responsibility. As you mentioned, the  
17 waiver of appeal, and there's a forfeiture agreement, and  
18 a separate agreement which is under seal; is that correct?

19 MR. ANTHONY: It's not under seal, Judge. We do  
20 have -- oh, excuse me. I'm sorry. Yes. The exhibit to  
21 the plea agreement. Yes. Yes.

22 THE COURT: Okay.

23 MR. ANTHONY: Thank you.

24 THE COURT: Very well. Thank you.

25 Mr. Mann, if you and your client would come

1 forward, please.

2 Mr. Barnes, if you'd come up to the podium,  
3 please. Raise your right hand, left hand on the Bible,  
4 and face the clerk of the clerk.

5 (The defendant was sworn by the clerk.)

6 THE COURT: Mr. Barnes, if you would please give  
7 me your full name, sir, and your date of birth.

8 THE DEFENDANT: Larry Barnes, Jr., 10/7/83.

9 THE COURT: You can lower your mask for the  
10 purpose of answering questions. It makes it much more  
11 audible for the court reporter.

12 Would you repeat that one more time, please?

13 THE DEFENDANT: Larry Barnes, Jr., 10/7/1983.

14 THE COURT: You're a citizen of the  
15 United States?

16 THE DEFENDANT: Yes.

17 THE COURT: How much education do you have,  
18 Mr. Barnes?

19 THE DEFENDANT: High school diploma.

20 THE COURT: So obviously, you read, write and  
21 understand the English language?

22 THE DEFENDANT: Yes.

23 THE COURT: Now, you're presently under oath.  
24 Any false statement you make in connection with this  
25 hearing could be used for you or against you in any

1 further civil or criminal proceedings. Do you understand  
2 that?

3 THE DEFENDANT: Yes.

4 THE COURT: And any false statements you make  
5 could result in a perjury prosecution?

6 THE DEFENDANT: Yes.

7 THE COURT: Are you under the influence of any  
8 drugs, alcohol or medications this morning?

9 THE DEFENDANT: No.

10 THE COURT: During the last year, have you been  
11 treated for any alcohol or drug-related problems?

12 THE DEFENDANT: Yes.

13 THE COURT: All right. What treatment have you  
14 had?

15 THE DEFENDANT: Well, not for the actual  
16 treatment, but I had to have some drug use in the last  
17 year.

18 THE COURT: Okay. My question, though, is  
19 whether or not you have been treated --

20 THE DEFENDANT: No.

21 THE COURT: -- for any alcohol or drug abuse  
22 problems?

23 THE DEFENDANT: No.

24 THE COURT: But you're not under the influence  
25 of any drugs, alcohol or medication today; is that right?

1 THE DEFENDANT: That's correct.

2 THE COURT: Okay. Have you had any mental  
3 health counseling or treatment in the last year?

4 THE DEFENDANT: No.

5 THE COURT: And prior to coming to court today,  
6 have you had an ample opportunity to discuss your case  
7 with your attorney, Mr. Mann?

8 THE DEFENDANT: Yes.

9 THE COURT: Do you need any more time to discuss  
10 the case with him before you enter your plea of guilty  
11 this morning?

12 THE DEFENDANT: No.

13 THE COURT: Are you entirely satisfied with his  
14 services?

15 THE DEFENDANT: Yes.

16 THE COURT: Has he followed up with any requests  
17 you have had to investigate any facts or identify any  
18 witnesses? Have you asked him to do things like that?

19 THE DEFENDANT: Repeat the question again.

20 THE COURT: Let me go back and do it a different  
21 way here. Are there any questions you have asked him  
22 about your case that he's not satisfactorily answered?

23 THE DEFENDANT: No. Everything is good.

24 THE COURT: Is there anything you've asked him  
25 to investigate, like finding witnesses or things like

1 that, that he has not satisfactorily done?

2 THE DEFENDANT: No. Yes, everything is -- yeah.

3 THE COURT: Pardon?

4 THE DEFENDANT: No. Everything is good, yeah.

5 THE COURT: Okay. And are there any questions  
6 about the law or the facts in this case that he hasn't  
7 adequately explained to you?

8 THE DEFENDANT: No.

9 THE COURT: Okay.

10 MR. MANN: Judge, I would like to say one thing  
11 that concerns me, and I'll just bring it up here. Last  
12 Thursday I Federal Expressed --

13 THE COURT: Why don't you move over a little bit  
14 and lower your mask so the court reporter can hear you.

15 MR. MANN: Last Thursday, I Federal Expressed to  
16 Mr. Barnes copies of the plea agreement and statement of  
17 facts. I Federal Expressed them to the jail. And  
18 Mr. Barnes, we've talked three or four times since then,  
19 and he never received it at the jail.

20 I'm just bringing that up to the Court's  
21 attention. I had to read it to him today, and he  
22 understands everything, but it would have been a lot  
23 easier if the jail had delivered --

24 THE COURT: Well, I'm sure that's right.  
25 That's -- I can truthfully say that's one of the few

1 things I'm not responsible for.

2 MR. MANN: Me neither, Judge.

3 THE COURT: All right. But I want to make the  
4 record perfectly clear. You have had an ample opportunity  
5 to read over the plea agreement and the statement of facts  
6 in this case; is that correct?

7 THE DEFENDANT: Correct.

8 THE COURT: Do you want any more time to discuss  
9 it with your attorney this morning?

10 THE DEFENDANT: No.

11 THE COURT: Okay. Now, you're entering a plea  
12 of guilty in Count Two to the charge of possession with  
13 the intent to distribute 1 kilogram or more of heroin; is  
14 that correct?

15 THE DEFENDANT: Correct.

16 THE COURT: And Count Three, possession with the  
17 intent to distribute 500 grams or more of cocaine; is that  
18 correct?

19 THE DEFENDANT: Correct.

20 THE COURT: Now, with respect to each of those  
21 charges, has Mr. Mann discussed with you what the  
22 United States must prove to convict you of those charges?

23 THE DEFENDANT: Yes.

24 THE COURT: In other words, gone over what all  
25 the legal parts are?



1 THE DEFENDANT: Yes.

2 THE COURT: And he has explained to you that  
3 each and every element or legal part of those offenses  
4 must be proven beyond a reasonable doubt to convict you?  
5 Has he explained that to you?

6 THE DEFENDANT: Yes.

7 THE COURT: Do you understand what the term  
8 reasonable doubt means? It's pretty self-explanatory.

9 THE DEFENDANT: Yes.

10 THE COURT: Any questions about that?

11 THE DEFENDANT: No.

12 THE COURT: I'm sure that Mr. Mann has met with  
13 the Assistant U.S. Attorney, Mr. Anthony, who has outlined  
14 to him the evidence that the government would have put on  
15 in your case had you gone to trial. Has he explained to  
16 you in detail what the government's evidence would have  
17 been in this case?

18 THE DEFENDANT: Yes.

19 THE COURT: Have you also explained to him  
20 everything you recall about the events that occurred on  
21 December the 9th, 2019, in which you -- which led to your  
22 being charged with possession with the intent to  
23 distribute 1 kilogram or more of heroin and 500 grams or  
24 more of cocaine?

25 THE DEFENDANT: Yes.

1           THE COURT: Okay. So based upon what you know  
2 about the government's evidence and what you have  
3 explained to Mr. Mann about your involvement in these  
4 offenses, have you and Mr. Mann discussed whether or not  
5 you are, in fact, guilty of these two charges? Have you  
6 had that discussion?

7           THE DEFENDANT: Yes.

8           THE COURT: Have you also discussed with him or  
9 has he discussed with you whether you have any legal  
10 defenses? In other words, is there any argument or any  
11 facts that could be presented that could lead you to be  
12 acquitted on these charges? Have you had that decision --  
13 that discussion?

14          THE DEFENDANT: Yes.

15          THE COURT: All right. Now, I'm sure that in  
16 evaluating your case, Mr. Mann, as an experienced criminal  
17 lawyer, has given you his advice as to what he thinks you  
18 ought to do, has he not?

19          THE DEFENDANT: Yes.

20          THE COURT: Have you had enough time to think  
21 about the advice that Mr. Mann gave you?

22          THE DEFENDANT: Yes.

23          THE COURT: Do you need any more time to think  
24 about it this morning?

25          THE DEFENDANT: No.

1 THE COURT: And what have you decided to do? Do  
2 you want to plead guilty or go to trial?

3 THE DEFENDANT: Plead guilty.

4 THE COURT: And you want to plead guilty because  
5 you feel you are, in fact, guilty of possession with the  
6 intent to distribute 1 kilogram or more of heroin?

7 THE DEFENDANT: Yes.

8 THE COURT: And you feel you're, in fact, guilty  
9 of possession with the intent to distribute 500 grams or  
10 more of cocaine hydrochloride; is that correct?

11 THE DEFENDANT: Yes.

12 THE COURT: And you are the same Larry  
13 Barnes, Jr. whose name appears in Count Two and Count  
14 Three of the indictment. That's you; is that correct?

15 THE DEFENDANT: Correct.

16 THE COURT: Now, the United States has tendered  
17 to the Court a document entitled Plea Agreement. It is  
18 ten pages in length and on page numbered 10 there appears  
19 to be your signature. Is that your signature, sir?

20 THE DEFENDANT: Yes.

21 THE COURT: Did you read this ten-page document  
22 over?

23 THE DEFENDANT: Yes.

24 THE COURT: Did you understand it?

25 THE DEFENDANT: Yes.

1 THE COURT: Is this the complete agreement  
2 between you and the United States?

3 THE DEFENDANT: Yes.

4 THE COURT: Is there anything else anybody has  
5 promised you or do you expect to receive anything else  
6 from anybody in exchange for your plea that's not  
7 contained in this ten-page document?

8 THE DEFENDANT: No.

9 THE COURT: All right. Let's walk through the  
10 agreement and make sure it's complete. Now, you're going  
11 to plead guilty to Counts Two and Three, and at sentencing  
12 the United States is going to dismiss Count One; is that  
13 right?

14 THE DEFENDANT: Yes.

15 THE COURT: Now, you understand that the  
16 United States has filed what's known as an amended  
17 information that elevates the penalties in your case. You  
18 understand that?

19 THE DEFENDANT: Right.

20 THE COURT: Okay. And you understand that the  
21 United States is going to recommend, and your attorney  
22 agrees, that an appropriate sentence in this case on  
23 Count Two is 15 years and on Count Three 10 years, and  
24 those sentences will run concurrently. In other words,  
25 they'll be served at the same time; is that correct?

1 THE DEFENDANT: Correct.

2 THE COURT: The United States has indicated  
3 they're not going to prosecute you for any other related  
4 nonviolent conduct occurring at the same time as these  
5 other two offenses; is that correct?

6 THE DEFENDANT: Correct.

7 THE COURT: And you've waived your right of  
8 appeal?

9 THE DEFENDANT: Correct.

10 THE COURT: And you've signed a forfeiture  
11 agreement; is that correct?

12 THE DEFENDANT: Correct.

13 THE COURT: Is there anything else anybody has  
14 promised you or do you expect to receive anything else  
15 from anybody in exchange for your plea other than what I  
16 just read to you?

17 THE DEFENDANT: No.

18 THE COURT: Now, has anybody threatened you or  
19 forced you any way to enter into your plea today?

20 THE DEFENDANT: No.

21 THE COURT: You're doing it freely and  
22 voluntarily?

23 THE DEFENDANT: Yes.

24 THE COURT: You've thought about it?

25 THE DEFENDANT: Yes.

1           THE COURT: You think it's in your best  
2 interest?

3           THE DEFENDANT: Yes.

4           THE COURT: And you do feel you're guilty; is  
5 that correct?

6           THE DEFENDANT: Yes.

7           THE COURT: Now, when you enter a plea of  
8 guilty, Mr. Barnes, you give up a number of your  
9 constitutional rights. And as I go through those with  
10 you, if there's any that you'd like to have a more  
11 detailed explanation of, let me know and I will pause and  
12 give you a more detailed explanation or I'll ask Mr. Mann  
13 to do so.

14           This is a felony case, and you have an absolute  
15 constitutional right to have each of these charges tried  
16 by a jury. If you ask for a jury trial, 12 randomly  
17 selected people from the Richmond area will be summonsed  
18 into court to hear and decide your case.

19           In order to convict you on either or both of  
20 these counts, the United States must prove each and every  
21 element of that offense beyond a reasonable doubt. If  
22 just one juror had a reasonable doubt as to your guilt on  
23 either of these counts, you couldn't be convicted of that  
24 count by that jury panel. Do you understand that?

25           THE DEFENDANT: Yes.

1 THE COURT: If you went to trial, you'd be  
2 presumed to be innocent throughout the entire trial unless  
3 and until the United States proved your guilt beyond a  
4 reasonable doubt. You would have no obligation to put on  
5 any evidence or to testify, and the fact that you put on  
6 no evidence and that you didn't -- or that you didn't  
7 testify could not even be considered by the jury in  
8 determining your guilt or innocence. As a matter of fact,  
9 the jury cannot even discuss the fact that you didn't  
10 testify. Do you understand that?

11 THE DEFENDANT: Correct.

12 THE COURT: If you went to trial, you would be  
13 represented by counsel throughout the entire trial. You  
14 would have no obligation to prove your innocence. The  
15 government brought the charges. They are obligated to  
16 prove them and prove them beyond a reasonable doubt.

17 If there are any witnesses that you wanted  
18 brought in to testify in your case or any exhibits,  
19 documents or items you wanted produced in court to help in  
20 defending your case, you could get court orders and have  
21 those people here or that item brought into court for use  
22 by you and your attorney. Do you understand that?

23 THE DEFENDANT: Yes.

24 THE COURT: When you enter a plea of guilty, you  
25 also give up your right to remain silent, and the

1 United States could, if it wished, call you as a witness  
2 either in court or before a grand jury and ask you  
3 questions about your case or the facts or circumstances  
4 underlying your case. Do you understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: And if they did, you'd be required  
7 to answer those questions truthfully and fully provided  
8 that your answers did not increase the potential  
9 punishment you could receive. Do you understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: Do you understand also when you  
12 enter a plea of guilty, you give up your right to  
13 cross-examine the government's witnesses and to confront  
14 your accusers. Because when you enter a plea of guilty,  
15 you are legally stipulating or agreeing that the  
16 United States can prove the charges against you beyond a  
17 reasonable doubt.

18 And keep in mind that once I accept your plea of  
19 guilty this morning, there will be no trial in your case.  
20 That plea of guilty is final, and it can't be appealed.  
21 Do you understand you can't appeal a guilty plea? Do you  
22 understand that?

23 THE DEFENDANT: Yes.

24 THE COURT: Has Mr. Mann explained to you the  
25 legal consequences of being a convicted felon?



1 THE DEFENDANT: Yes.

2 THE COURT: As a convicted felon, federally you  
3 give up your right to certain federal programs and  
4 entitlements. You also lose your right to possess a  
5 firearm, until that right is reinstated, and in Virginia,  
6 you lose your right to vote, your right to hold public  
7 office, and your right to serve on a jury until the  
8 governor of Virginia restores those rights. Do you  
9 understand that?

10 THE DEFENDANT: Yes.

11 THE COURT: Mr. Mann, does your client have any  
12 other pending matters in any other courts that could be  
13 adversely affected by this plea of guilty today?

14 MR. MANN: No, sir, except a violation in this  
15 court, supervised release violation.

16 THE COURT: In this court?

17 MR. MANN: In this court.

18 THE COURT: All right.

19 Mr. Anthony, are you aware of any pending  
20 matters in any other courts that could be adversely  
21 affected?

22 MR. ANTHONY: Just the pending violation in this  
23 court, Judge.

24 THE COURT: All right. Thank you.

25 Now, with respect to Count Two, the possession

1 with the intent to distribute 1 kilogram or more of  
2 heroin, what is the minimum sentence you face on that  
3 charge?

4 THE DEFENDANT: The minimum?

5 THE COURT: The minimum.

6 THE DEFENDANT: Fifteen.

7 THE COURT: Fifteen years. And the maximum on  
8 that is life. Is that correct, Mr. Anthony?

9 MR. ANTHONY: That's correct, Judge.

10 THE COURT: Okay. You have an agreement for  
11 15 years, but you could have potentially received life.  
12 Do you understand that?

13 THE DEFENDANT: Yes.

14 THE COURT: And a fine of up to \$20 million,  
15 supervised release for at least 10 years -- that's like  
16 being on parole -- and a special assessment of \$100 -- do  
17 you understand that? -- on Count Two.

18 THE DEFENDANT: Yes.

19 THE COURT: On Count Three, it is a sentence of  
20 not less than 10 years, maximum of life; a fine of  
21 \$8 million -- a fine of up to \$8 million; at least 8 years  
22 of supervised release; and a special assessment of \$100.  
23 Do you understand those are the maximum penalties?

24 THE DEFENDANT: Yes.

25 THE COURT: The United States has also presented

1 a document to me entitled Statement of Facts. The  
2 statement of facts is three pages long, and on page  
3 numbered 3 there appears to be your signature. Did you  
4 sign that, sir?

5 THE DEFENDANT: Yes.

6 THE COURT: Did you read this statement of facts  
7 over?

8 THE DEFENDANT: Yes.

9 THE COURT: Did you understand it?

10 THE DEFENDANT: Yes.

11 THE COURT: Did you have a chance to discuss it  
12 with your attorney?

13 THE DEFENDANT: Yes.

14 THE COURT: Is what the United States said  
15 happened what, in fact, happened? Is this statement of  
16 facts correct?

17 THE DEFENDANT: Yes.

18 THE COURT: Are there any other facts or  
19 circumstances that you'd like to add to this statement of  
20 facts to make it more accurate in your mind?

21 THE DEFENDANT: No.

22 THE COURT: Have you and your attorney gone over  
23 where your case comes out on the Federal Criminal  
24 Sentencing Guidelines?

25 THE DEFENDANT: We haven't come up with no

1 guidelines yet.

2 THE COURT: All right. Even though you have an  
3 agreed recommendation, it's important that you understand  
4 the sentencing guidelines in this case.

5 Have you gone over them, Mr. Mann, with him?

6 MR. MANN: Judge, I have not gone over them  
7 because we were focused on the mandatory minimum that he  
8 would receive.

9 THE COURT: All right. Do you feel the  
10 necessity to do that in this case?

11 MR. MANN: No, sir, Judge.

12 THE COURT: Mr. Anthony?

13 MR. ANTHONY: Judge, I think the Court should go  
14 through the explanation of the sentencing guidelines.

15 THE COURT: I intend to go through the mechanics  
16 of applying the guidelines and what sentence, but what the  
17 specific guidelines are for this case, I don't have them  
18 computed because I don't normally do that.

19 MR. ANTHONY: Right.

20 THE COURT: If you all do and would like to put  
21 them on the record, you certainly can do that.

22 MR. ANTHONY: I don't see the need to put them  
23 on the record, Judge.

24 THE COURT: I don't either with a specific  
25 recommendation.

1 MR. ANTHONY: Yes, sir.

2 THE COURT: All right. In deciding whether or  
3 not to accept the recommendation, which appears to me to  
4 be a very reasonable recommendation on the facts of this  
5 case, I have to review a number of statutory factors which  
6 guide my hand in imposing sentence in the case.

7 I, first of all, will consider the nature and  
8 circumstances of the offense, what the case is all about.  
9 I then turn to your personal history and characteristics.  
10 That I will get through a presentence report. At the  
11 close of this hearing, a U.S. probation officer will be  
12 preparing a presentence report. They'll come by and visit  
13 you and get your background and history.

14 That report will be the picture I have of you at  
15 sentencing. It will cover the nature and circumstances of  
16 the offense. It will cover your upbringing, your  
17 education, your employment history, your military  
18 background, if any, your prior criminal history, the  
19 family obligations that you have, medical conditions that  
20 you have, drug use. Total picture. That's the picture I  
21 have of you for the purpose of sentencing is what is  
22 contained in the presentence report.

23 Once I get that, I then consider what type of  
24 sentence would be sufficient but not longer than necessary  
25 to reflect the seriousness of the offense, promote respect

1 for the law, provide for deterrence and provide for just  
2 punishment.

3 I also look at any restitution obligations there  
4 may be in the case, although I don't think there's any  
5 restitution required in this case. I look at what type of  
6 sentence other individuals with similar backgrounds,  
7 committing similar offenses have received to make sure  
8 that there's uniformity within the system. I consider  
9 what educational, vocational, medical and family  
10 obligations you may have, and I integrate that into my  
11 calculation to decide what sentence is appropriate.

12 Now, keep in mind that even though I have to be  
13 guided by the sentencing guidelines, I do have the  
14 authority to vary your guidelines upward or downward to  
15 accommodate aggravating or mitigating circumstances. Do  
16 you understand that?

17 THE DEFENDANT: Yes.

18 THE COURT: But I believe that the sentence  
19 agreed upon by your attorney and the United States is an  
20 appropriate one in this case, and unless there's something  
21 in the presentence report that probably your attorney and  
22 the government are unaware of that makes me change my  
23 mind, I'm inclined to accept that recommendation. I'm  
24 sure Mr. Mann has explained to you that most federal  
25 detainees are required to serve 85 percent of the sentence

1 that they receive. Do you understand that?

2 THE DEFENDANT: Yes.

3 THE COURT: We mentioned earlier that you've  
4 waived your right of appeal. Ordinarily, a person  
5 convicted of a felony in U.S. District Court would have a  
6 right to appeal the sentence they have received to the  
7 U.S. Court of Appeals for the Fourth Circuit if they felt  
8 that the guidelines were improperly calculated or the  
9 sentence was unreasonable. You have waived that right of  
10 appeal. Do you understand that?

11 THE DEFENDANT: Yes.

12 THE COURT: The United States, on the other  
13 hand, if they felt that the sentence I imposed was --  
14 first of all, that the guidelines were improperly  
15 calculated by the Court or the sentence imposed was  
16 unreasonable, they would technically have a right to  
17 appeal. But once again, you have waived your right of  
18 appeal. Any question about that?

19 THE DEFENDANT: No.

20 THE COURT: All right. Now, is there anything,  
21 Mr. Barnes, that has occurred this morning that you did  
22 not understand?

23 THE DEFENDANT: No.

24 THE COURT: Are there any questions you'd like  
25 to ask me about your plea of guilty or any constitutional

1 rights you have waived this morning before I accept your  
2 plea?

3 THE DEFENDANT: No.

4 THE COURT: All right, then. To the charge of  
5 possession with the intent to distribute 1 kilogram or  
6 more of heroin, as charged in Count Two of the superseding  
7 indictment in this case, what is your plea, sir, guilty or  
8 not guilty?

9 THE DEFENDANT: Guilty.

10 THE COURT: And to the charge of possession with  
11 the intent to distribute 500 grams or more of cocaine  
12 hydrochloride, as charged in Count Three of the  
13 indictment, what is your plea, sir, guilty or not guilty?

14 THE DEFENDANT: Guilty.

15 THE COURT: All right. Based on your pleas of  
16 guilty, your responses to my questions, the government's  
17 statement of facts, I find your plea of guilty as  
18 voluntarily, knowingly and intelligently entered, with an  
19 understanding of the nature of the charges, the  
20 consequences of the pleas, and the penalty provisions that  
21 you face.

22 I further find that the statement of facts  
23 presented by the United States -- and you've agreed that  
24 it's accurate -- forms an independent factual basis for  
25 your plea of guilty. I also find that you're competent



1 and capable of entering a plea of guilty today and that  
2 your plea of guilty is entered after thoroughly consulting  
3 with your attorney.

4 Now, I'm confident that Mr. Mann, being an  
5 experienced criminal lawyer, has gone over with you the  
6 basic questions I'm going to ask today, but my question of  
7 you is has anybody instructed you how to answer my  
8 questions or are your answers your own?

9 THE DEFENDANT: The answers are my own.

10 THE COURT: All right. Then I'll accept your  
11 plea of guilty and find you guilty of possession with the  
12 intent to distribute 1 kilogram or more of heroin, as  
13 charged in Count Two, and possession with the intent to  
14 distribute 500 grams or more of cocaine, as charged in  
15 Count Three.

16 Now, no sentence will be imposed today. Your  
17 case will be referred to the U.S. Probation Office to  
18 prepare a presentence report in this case.

19 Ms. Pizzini, what date does this case go to for  
20 sentencing?

21 THE CLERK: October 30th, Your Honor, at 9:30.

22 THE COURT: Is that compatible with your  
23 calendar, Mr. Mann?

24 MR. MANN: Yes, sir.

25 THE COURT: Mr. Anthony?

1 MR. ANTHONY: Yes, sir.

2 THE COURT: All right. Your case will be  
3 continued until 9:30 a.m. on October the 30th for a  
4 hearing on the presentence report and for the imposition  
5 of sentence.

6 As I mentioned to you, a U.S. probation officer  
7 will be coming by to talk to you. The probation officer  
8 will be preparing a presentence report, which is the  
9 picture I have of you at sentencing. Okay? Now, I want  
10 you to be fully cooperative with the U.S. probation  
11 officer. Whatever he or she tells you to do to help him  
12 or her prepare the presentence report, you must follow  
13 their instructions. Do you understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: The instructions they give you are a  
16 direct order of this Court.

17 THE CLERK: Your Honor.

18 THE COURT: Yes.

19 THE CLERK: The revocation hearing will also be  
20 held at that same time?

21 THE COURT: That's right. There is a  
22 revocation -- I'm sorry. We will conduct the revocation  
23 hearing at the same time.

24 Thank you, Ms. Pizzini, for reminding me of  
25 that.

1 Any reason why I shouldn't enter this agreed  
2 forfeiture order?

3 MR. MANN: No, sir.

4 THE COURT: Here are all the documents, Becky.  
5 Anything further today, Mr. Mann?

6 MR. MANN: No, sir, Judge.

7 THE COURT: Mr. Anthony, anything further?

8 MR. ANTHONY: No, sir.

9 THE COURT: All right. Mr. Barnes, you're  
10 remanded to the custody of the United States Marshal. You  
11 are to be back in this courtroom at 9:30 a.m. on October  
12 the 30th for a hearing on the presentence report and for  
13 the imposition of sentence and for a hearing on the  
14 petition alleging you violated the conditions of your  
15 supervised release.

16 In your custody, Marshal.

17 Court will stand in recess.

18 MR. MANN: I have some paperwork he needs to  
19 sign for probation. So --

20 THE COURT: Okay. Fine. Thank you.

21 (The proceeding concluded at 10:44 a.m.)

22 REPORTER'S CERTIFICATE

23 I, Tracy J. Stroh, OCR, RPR, Notary Public in and for  
24 the Commonwealth of Virginia at large, and whose  
25 commission expires September 30, 2023, Notary Registration

1 Number 7108255, do hereby certify that the pages contained  
2 herein accurately reflect the stenographic notes taken by  
3 me, to the best of my ability, in the above-styled action.

4 Given under my hand this 18th day of January 2022.

5  
6 /s/  
Tracy J. Stroh, RPR  
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